Executive Summary – Enforcement Matter – Case No. 42119 RAHIL, INCORPORATED dba Valero Food Mart 2 RN101865830 Docket No. 2011-1262-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Valero Food Mart 2, 4030 Medical Drive, San Antonio, Bexar County

Type of Operation:

Convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 18, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$36,637

Amount Deferred for Expedited Settlement: \$7,327 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$960 Total Due to General Revenue: \$28,350

Payment Plan: 35 payments of \$810 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average by Default

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 42119 RAHIL, INCORPORATED dba Valero Food Mart 2 RN101865830 Docket No. 2011-1262-PST-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 8, 2011

Date(s) of NOE(s): July 8, 2011

Violation Information

- 1. Failed to renew a previously issued underground storage tank ("UST") delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on February 28, 2007 [30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, the Respondent accepted 20 fuel deliveries without a delivery certificate [30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)].
- 3. Failed to provide release detection for the piping associated with the UST. Specifically, the Respondent did not conduct the annual piping tightness test [30 Tex. ADMIN. CODE § 334.50(b)(2) and Tex. Water Code § 26.3475(a)].
- 4. Failed to maintain the required UST records and make them immediately available for inspection upon request by agency personnel [30 Tex. Admin. Code § 334.10(b)].

$Corrective \ Actions/Technical \ Requirements$

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. Submitted a properly completed UST registration and self-certification form and obtained a valid TCEQ fuel delivery certificate on August 2, 2011;
- b. Successfully conducted the annual piping tightness test on August 2, 2011; and
- c. Began maintaining UST records on August 2, 2011.

Executive Summary – Enforcement Matter – Case No. 42119 RAHIL, INCORPORATED dba Valero Food Mart 2 RN101865830 Docket No. 2011-1262-PST-E

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Andrea Park, Enforcement Division,

Enforcement Team 6, MC 128, (512) 239-4575; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Ashfaq A. Moiz, President, RAHIL, INCORPORATED, 4030 Medical

Drive, San Antonio, Texas 78229 **Respondent's Attorney:** N/A



Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 11-Jul-2011 Screening 19-Jul-2011 **EPA** Due PCW 1-Sep-2011 **RESPONDENT/FACILITY INFORMATION** Respondent RAHIL, INCORPORATED dba Valero Food Mart 2 Reg. Ent. Ref. No. RN101865830 Facility/Site Region 13-San Antonio Major/Minor Source Major **CASE INFORMATION** Enf./Case ID No. 42119 No. of Violations 4 Docket No. 2011-1262-PST-E Order Type 1660 Government/Non-Profit No Media Program(s) Petroleum Storage Tank Enf. Coordinator Andrea Park Multi-Media EC's Team Enforcement Team 6 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$40,000 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$0 Compliance History 0.0% Enhancement Subtotals 2, 3, & 7 No adjustment for compliance history. Notes 0.0% Enhancement Subtotal 4 \$0 Culpability No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$4,000 0.0% Enhancement* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts Capped at the Total EB \$ Amount \$131 Approx. Cost of Compliance \$36,000 SUM OF SUBTOTALS 1-7 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$637 1.8% Reduces or enhances the Final Subtotal by the indicated percentage Recommended enhancement to capture the avoided cost of compliance Notes associated with violation nos. 1 and 3. \$36,637 Final Penalty Amount \$36,637 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty -\$7,327 20.0% Reduction Adiustment Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

\$29,310

Notes

PAYABLE PENALTY

Screening Date 19-Jul-2011

Docket No. 2011-1262-PST-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent RAHIL, INCORPORATED dba Valero Food Mart 2

Case ID No. 42119

Reg. Ent. Reference No. RN101865830

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Andrea Park

Compliance History Worksheet

Component	Number of		Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	O	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Andito	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Subt	otal 2)
eat Violator (Subtotal 3) Adjustment Per	centage (Subt	otal 3)
No		comage (Subt	July 3)
	ry Person Classification (Subtotal 7)		atal 71
Average Pe		centage (Subt	otai 7)
pliance Histo	ry Summary		
Compliance History	No adjustment for compliance history.		

		Docket No. 2011-1262-PST-E	PCW
	dent RAHIL, INCORPORATED dba Valero Foo No. 42119	od Mart 2	Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference			TOW NOVISION OCCUPE 30, 2000
	ute] Petroleum Storage Tank		
 1. 1	lator Andrea Park		
Violation N Rule	ito(c)		
Rule	30 Tex. Admin. Code § 33	34.8(c)(4)(A)(vii) and (c)(5)(B)(ii)	
. :	Failed to renew a previously issued	underground storage tank ("IIST")	telivery
NG-1-ti B	certificate by submitting a properly cor		
Violation Desc	Torm at least 30 days before the expire		certificate
	expired on i	February 28, 2007.	
		Bas	e Penalty \$10,000
>> Environmental, P	operty and Human Health Matrix		
	Harm		
OR	lease Major Moderate Minor Actual		
50888855888888888800	tential ential ential	Percent 0%	
>>Programmatic Ma			
		Percent 25%	

Matrix	100% of the rule requirem	gent was not met	
Notes			
L			
		Adjustment	\$7,500
			\$2,500
Violation Events			
Num	er of Violation Events 5	1602 Number of violation	days
	•	рабана принцения и поменя и помена и помена и п	
	daily weekly		
	monthly		
mark o with	y one quarterly	Violation Base	Penalty \$12,500
	semiannual		
	annual x single event		
	Five annual events are	recommended.	
L.			
Good Faith Efforts to		20/01/20/03/20/20/20/20/20/20/20/20/20/20/20/20/20/	\$1,250
	Before NOV NOV to EDPF Extraordinary	RP/Settlement Offer	
	Ordinary	×	
	N/A (mark with x	×)	
		ne into compliance on August 2,	
	Notes 2011, after the Notice of	of Enforcement ("NOE") dated July 8, 2011.	
		0, 2011	
		Violation	Subtotal \$11,250
Economic Benefit (El) for this violation	Statutory Limit	Test
ECONOMIC BEHENC (EI			
E	timated EB Amount \$50	Violation Final Pena	lty Total \$11,449
	This violation Fin	al Assessed Penalty (adjusted fo	or limits) \$11,449

Case ID No. Reg. Ent. Reference No.	42119 RN101865830	PORATED dba Va	lero Food Mart	2			
	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
Violation No.	1					5.0	15
	Trem Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$ 0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	1377	l		0.00	\$0	n/a	<u>\$0</u>
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	8-Jul-2011	2-Aug-2011	0.07	\$0	L n/a l	\$0
Other (as needed) Notes for DELAYED costs	Estimated co	st to accurately p	repare and sub	mit an i	updated UST regis	tration and obtain a e final date is the co	current TCEQ
Notes for DELAYED costs	Estimated co delivery certif	st to accurately p icate. The date r	repare and sub equired is the r	mit an i	updated UST regis eview date and the	tration and obtain a e final date is the co	current TCEQ mpliance date.
	Estimated co delivery certif	st to accurately p icate. The date r	repare and sub equired is the r	mit an i	updated UST regis eview date and the	tration and obtain a	current TCEQ mpliance date.
Notes for DELAYED costs Avoided Costs	Estimated co delivery certif	st to accurately p icate. The date r	repare and sub equired is the r	mit an i ecord re	updated UST regis eview date and the ng item (except	stration and obtain a e final date is the co for one-time avoid \$0 \$0	current TCEQ mpliance date. led costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co delivery certif	st to accurately p icate. The date r	repare and sub equired is the r	mit an i ecord re enterir 0.00 0.00	updated UST regis eview date and the ng item (except \$0	stration and obtain a e final date is the co for one-time avoid \$0 \$0 \$0	current TCEQ mpliance date. led costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co delivery certif	st to accurately p icate. The date r	repare and sub equired is the r	ecord reecord	updated UST regis eview date and the ng item (except \$0 \$0 \$0 \$0	tration and obtain a e final date is the co for one-time avoid \$0 \$0 \$0 \$0	current TCEQ mpliance date. led costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated co delivery certif	st to accurately p icate. The date r	repare and sub equired is the r	enterir 0.00 0.00 0.00 0.00 0.00	updated UST regis eview date and the ng item (except \$0 \$0 \$0 \$0 \$0	tration and obtain a e final date is the co for one-time avoid \$0 \$0 \$0 \$0	current TCEQ mpliance date. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated co delivery certif	st to accurately p icate. The date r	repare and sub equired is the r	enterir 0.00 0.00 0.00 0.00 0.00 0.00 0.00	updated UST regis eview date and the ng item (except \$0 \$0 \$0 \$0 \$0 \$107	tration and obtain a e final date is the co	current TCEQ mpliance date. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co delivery certif	st to accurately pricate. The date r	repare and sub equired is the r costs before	enterir 0.00 0.00 0.00 0.00 0.00	updated UST regis eview date and the ng item (except \$0 \$0 \$0 \$0 \$0	tration and obtain a e final date is the co for one-time avoid \$0 \$0 \$0 \$0	current TCEQ mpliance date. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co delivery certif	st to accurately pricate. The date r IZE [1] avoided 1 1-Feb-2007 bided cost (\$100 purrent TCEQ delivers	repare and sub equired is the r costs before 8-Jul-2011 per full year) to very certificate.	enterir 0.00 0.00 0.00 0.00 0.00 0.00 5.35 0.00 accural	updated UST regis eview date and the ng item (except \$0 \$0 \$0 \$0 \$0 \$107 \$0 tely prepare and s	tration and obtain a e final date is the co for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 ubmit an updated U days prior to the ex	current TCEQ mpliance date. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$7 \$10 \$20 \$30 \$507 \$507 \$50 \$507 \$50 \$50 \$507

Reg. Ent. Reference No. Media [Statute] Petroleum Storage Tank Enf. Coordinator Andrea Park Violation Number Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a) Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, the Respondent accepted 20 fuel deliveries without a delivery certificate. Sepecifically, the Respondent accepted 20 fuel deliveries without a delivery certificate. Base Penalty \$10,000 **Programmatic Matrix** Faisification Major Moderate Minor OR Actual Potential X Percent 10% **Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health and environmental receptors as a result of the violation. **Adjustment** \$9,000	Screening Date		PCW
Media [Statute] Petroleum Storage Tank Enf. Coordinator Ancrea Park Violation Number 2			Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Fig. Coordinator Andrea Park Violation Number 2 30 Tex. Admin. Code § 334.8(c)(S)(A)(I) and Tex. Water Code § 26.3467(a)			
Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code § 324.8(c)(5)(A)(I) and Tex. Water Code § 26.3467(a) Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, the Respondent accepted 20 flue deliveries without a delivery certificate. **Pasting of the Percent Notes** **Programmatic Matrix** **Harm Release Najor Moderate Minor Percent 10% **Programmatic Matrix** **Harm health or the environment will or could be exposed to neighbor an anomal of pollutants which would not exceed levels that are protective of human health and environmental receptors are result of the violation. **Harrix** **Notes** **Harman health or the environment will or could be exposed to neighbor an anomal of pollutants which would not exceed levels that are protective of human health and environmental receptors are result of the violation. **Adjustment** **Sp.4000** **Violation Events** **Number of Violation Events			
Palled to make available to a common carrier a valid, current TCEQ delivery confined by the process of the proc			
Violation Description Specifically, the Respondent accepted 20 feath eliveries without a delivery	Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.346	57(a)
>> Environmental, Property, and Human Health Matrix Release Major Moderate Minor	Violation Description	certificate before accepting delivery of a regulated substance into the U Specifically, the Respondent accepted 20 fuel deliveries without a deliveries.	JST.
Name		Base	Penalty \$10,000
Name	>> Envåronmental Droner	ty and Human Health Matrix	
Programmatic Marix Falsification Major Moderate Minor Percent 0% Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health and environmental receptors as a result of the violation. **Adjustment** Sp.000 **Violation Events** Number of Violation Events* Number of Violation Events* Number of Violation Events* Violation Base Penalty Twenty single events (one event per drop) are recommended. **Twenty single events (one event per drop) are recommended.** Twenty single events (one event per drop) are recommended. **Sp.000** **		Harm	
>>Programmatic Matrix Falsification Major Moderate Minor Percent 0% Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health and environmental receptors as a result of the violation. Adjustment \$9,000		Major Moderate Minor	
Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health and environmental receptors as a result of the violation. Adjustment	Potential	Percent 10%	
Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health and environmental receptors as a result of the violation. Adjustment	>>Programmatic Matrix		
Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health and environmental receptors as a result of the violation. Adjustment	Falsification		
Which would not exceed levels that are protective of human health and environmental receptors as a result of the violation. Adjustment			
Adjustment \$9,000 \$1,000			
Violation Events Number of Violation Events Violation Base Penalty \$20,000	Notes Which would i		
Violation Events Number of Violation Events Violation Base Penalty \$20,000	Constitution and the Constitut	Additionant	\$9,000
Number of Violation Events Violation Events 20		Adjustment	
Number of Violation Events 20 20 Number of violation days			\$1,000
dally weekly monthly quarterly semiannual single event X Twenty single event X Toda Reduction Sefore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A ((mark with x)) Notes The Respondent came into compliance on August 2, 2011, after the NOE dated July 8, 2011. Violation Subtotal \$18,000 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$18,319	Violation Events		
weekly monthly quarterly semiannual annual single events (one event per drop) are recommended. Twenty single events (one event per drop) are recommended. Good Faith Efforts to Comply 10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A (mark with x) Notes The Respondent came into compliance on August 2, 2011, after the NOE dated July 8, 2011. Violation Subtotal \$18,000 Economic Benefit (EB) for this violation Estimated EB Amount \$0 Violation Final Penalty Total \$18,319	Number of V	iolation Events 20 Number of violation da	iys
weekly monthly quarterly semiannual annual single events (one event per drop) are recommended. Twenty single events (one event per drop) are recommended. Good Faith Efforts to Comply 10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A (mark with x) Notes The Respondent came into compliance on August 2, 2011, after the NOE dated July 8, 2011. Violation Subtotal \$18,000 Economic Benefit (EB) for this violation Estimated EB Amount \$0 Violation Final Penalty Total \$18,319	and the second s	/tail/	
Twenty single events (one event per drop) are recommended. Twenty single events (one event per drop) are recommended. Townty single events (one event per drop) are recommended. Townty single events (one event per drop) are recommended. \$2,000		weekly	
Twenty single events (one event per drop) are recommended. Twenty single events (one event per drop) are recommended. \$2,000			Penalty \$20,000
Twenty single events (one event per drop) are recommended. Twenty single events (one event per drop) are recommended.	with an x	The state of the s	
Twenty single events (one event per drop) are recommended. \$2,000 \$2,000			
Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent came into compliance on August 2, 2011, after the NOE dated July 8, 2011. Violation Subtotal \$18,000 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$18,319			
Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent came into compliance on August 2, 2011, after the NOE dated July 8, 2011. Violation Subtotal \$18,000 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$18,319		Twenty single events (one event per drop) are recommended.	
Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A (mark with x) Notes The Respondent came into compliance on August 2, 2011, after the NOE dated July 8, 2011. Violation Subtotal \$18,000 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$18,319			
Extraordinary Ordinary N/A Notes The Respondent came into compliance on August 2, 2011, after the NOE dated July 8, 2011. Violation Subtotal \$18,000 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$18,319	Good Faith Efforts to Com	10.0% Reduction	\$2,000
Ordinary N/A Notes The Respondent came into compliance on August 2, 2011, after the NOE dated July 8, 2011. Violation Subtotal \$18,000 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$18,319		Before NOV NOV to EDPRP/Settlement Offer	34
N/A (mark with x) Notes The Respondent came into compliance on August 2, 2011, after the NOE dated July 8, 2011. Violation Subtotal \$18,000 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$18,319			
Violation Subtotal \$18,000 Economic Benefit (EB) for this violation \$10 Violation Final Penalty Total \$18,319			***************************************
Violation Subtotal \$18,000 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$18,319			
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$18,319		2011, after the NOE dated July 8, 2011.	White 1972 2072 2072 2072 2072 2072 2072 2072 2
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$18,319		Violation S	ubtotal \$18,000
Estimated EB Amount \$0 Violation Final Penalty Total \$18,319			
	Economic Benefit (EB) for		
This violation Final Assessed Penalty (adjusted for limits) \$18,319	Estimate	ed EB Amount \$0 Violation Final Penalt	y Total \$18,319
		This violation Final Assessed Penalty (adjusted for	limits) \$18,319

	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
Violation No.	2					5.0	Depreciation 1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs	j						
Equipment				0.00	\$0	\$0	<u>\$0</u>
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
							\$0
Remediation/Disposal				0.00	\$0	n/a	
Permit Costs				0.00	\$0	n/a	\$0
			Economic benef	0.00		n/a n/a	
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL			0.00 0.00 it incluse enterin 0.00 0.00 0.00	\$0 \$0 ded in violation no ig item (except \$0 \$0 \$0	n/a n/a . 1. for one-time avoid \$0 \$0 \$0	\$0 \$0 \$0 led costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			0.00 0.00 it includes enterin 0.00 0.00 0.00 0.00	\$0 \$0 ded in violation no so \$0 \$0 \$0 \$0	n/a n/a . 1. for one-time avoid \$0 \$0	\$0 \$0 \$0 ed costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL			0.00 0.00 it incluse enterin 0.00 0.00 0.00	\$0 \$0 ded in violation no ig item (except \$0 \$0 \$0	n/a n/a . 1. for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0 Bed costs) \$0 \$0 \$0 \$0

Screening Date	19-Jul-2011 Docket No. 2011-1262-PS	ST-E PCW
	RAHIL, INCORPORATED dba Valero Food Mart 2	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision October 30, 2008
Reg. Ent. Reference No. Media (Statute)	Petroleum Storage Tank	
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 2	6.3475(a)
Violation Description	Failed to provide release detection for the piping associated wit Specifically, the Respondent did not conduct the annual piping tig	
		Base Penalty \$10,000
>> Environmental, Proper	ty and Human Health Matrix Harm	
Release	Major Moderate Minor	
OR Actual Potential		50%
Foteritian	Creent	<u> </u>
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent	0%
Linear and the second s		
	or the environment will or could be exposed to pollutants which woul	Id evened levels
Matrix Human health Notes that are p	rotective of human health or environmental receptors as a result of th	ne violation.
	Adjustment	\$5,000
		\$5,000
		\$5,000
Violation Events		
Number of N	Violation Events 1 365 Number of viol	ation days
Number of	Violation Events	
	daily	
	weekly monthly	
mark only one with an x		Base Penalty \$5,000
with all X	semiannual (1990)	
	annual x	
	single event	
One annual	event is recommended for the 12-month period preceding the July 8,	. 2011 record
	review.	
Good Faith Efforts to Com		\$500
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary ×	
	N/A (mark with x)	
·	The Respondent came into compliance on August 2	2
	Notes 2011, after the NOE dated July 8, 2011.	
		· ·
	Viol	ation Subtotal \$4,500
Fannamia DanaGa (FD) f	this violation Statutory L	imit Test
Economic Benefit (EB) for		
Estimat	ed EB Amount \$130 Violation Final	Penalty Total \$4,580
	This violation Final Assessed Penalty (adjus	sted for limits) \$4,580

Violation No. Item Description						Percent Interest	Years of Depreciation
Item Description	Team Case					5.0	1.
Item Description	Trem cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or \$						
Delayed Costs							
Equipment		<u> </u>		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	***************************************			0.00	\$0	n/a	\$0
Notes for DELAYED costs	ANNUA	7. C. S.			V6 (2007/00/2013	oversom servoje	fed costs\
Avoided Costs	ANNUAL	[ZE [1] avoided	costs before			for one-time avoid	
Avoided Costs Disposal	ANNUAL	IZE [1] avoided	costs before	0.00	\$0	\$0	\$0
Avoided Costs Disposal Personnel	ANNUAL	IZE [1] avoided	costs before	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL \$118	IZE [1] avoided	costs before	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0

	ening Date			cket No. 2011-1262-PS		PCW
	espondent ase ID No.		TED dba Valero Food	Mart 2	•	n 2 (September 2002) sion October 30, 2008
Reg. Ent. Ref					rew Kevi	31011 October 30, 2000
		Petroleum Storage	Tank			
	oordinator					
Viola	ition Number Rule Cite(s)	4				
	Rule Cite(s)		30 Tex. Admin.	Code § 334.10(b)		
		Called he pesietale	the regulard HCT rose	rds and make them immed	aldelieve vlatell	
Violation	n Description			est by agency personnel.	nately available	
-						
					Base Penalty	\$10,000
>> Environmen	ital, Proper		neaith Matrix Harm			
	Release		oderate Minor			
OR	Actual	Control of the Contro		Davaant	00(
	Potential	L	<u>I</u>	Percent	0%]	
>>Programmat	tic Matrix					
	Falsification		oderate Minor	D	250/	
		<u> </u>		Percent	25%	
Matrix		100%	of the rule requiremer	t was not met.		
Notes						
				Adjustment	\$7,500	
				Aujustinciis		
					3	\$2,500
Violation Event	S					
		-		-1		
	Number of V	/iolation Events	1	11 Number of viol	ation days	
		daily				
	-	weekly				
	mark only one	monthly				42 500
	with an x	quarterly semiannual		Violation	n Base Penalty	\$2,500
		annual				
		single event	×			
ſ.						***************************************
		Or	ne single event is recoi	nmended.		****
			*****			·
			10.00/		-	\$250
Good Faith Effo	rts to Com	JIY Be	10.0% Reduction for NOV NOV to EDPRP/S	Settlement Offer	_	723U
		Extraordinary				
		Ordinary	X			3
		N/A	(mark with x)			
-		,, T	he Respondent came i	nto compliance on August :	2,	-
		Notes	2011, after the N	DE dated July 8, 2011.	- : :	
A		L.		· · · · · · · · · · · · · · · · · · ·		
				Viol	ation Subtotal	\$2,250
Economic Bene	fit (EB) for	this violation		Statutory L	imit Test	
				39 30 30 30 30 30 30 30 30 30 30 30 30 30		42.202
	Estimate	ed EB Amount	\$2	Violation Final	Penalty Total	\$2,290
			This violation Final	Assessed Penalty (adjus	ted for limits)	\$2,290

	RN101865830 Petroleum Sto					Percent Interest	Years of Depreciation
Violation No.	4					5.0	1!
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land)		0.00	\$0	n/a	\$0
Record Keeping System	\$500	8-Jul-2011	2-Aug-2011	0.07	\$2	n/a	\$2
Training/Sampling			******************	0.00	\$0	n/a	<u>\$0</u>
Remediation/Disposal	<u> </u>	<u> </u>		0.00	\$0	n/a	<u>\$0</u>
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	Estimated co	st to maintain US			quired is the recor compliance.	d review date and ti	ne final date is
			the d	ate of o	compliance.		
Avoided Costs			the d	ate of o	compliance. ig item (except)	for one-time avoid	led costs)
Avoided Costs Disposal			the d	ate of o	compliance.		
Avoided Costs, Disposal Personnel			the d	ate of o	compliance. 1g item (except) \$0	for one-time avoid \$0	led costs) \$0
Avoided Costs, Disposal Personnel			the d	enterir 0.00 0.00	ompliance. ng item (except \$0 \$0	for one-time avoid \$0 \$0	led costs) \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling			the d	enterir 0.00 0.00 0.00	compliance. ig item (except \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0	### solution
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment			the d	enterir 0.00 0.00 0.00 0.00	compliance. 1g Item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			the d	enterir 0.00 0.00 0.00 0.00 0.00	compliance. 1g item (except) \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Date Compliance History Prepared: Agency Decision Requiring Compliance History Compliance Period: Compliance Pistory Name: Andrea Park Prone: Citiz Quay-475 Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Site Compliance Pistory No 3. Hyres, who is the current convertoperator? No 3. Hyres, who is the current convertoperator? No 4. If Yes, who was/were the prior convert(s)/operator(s)? No 6. Rating Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. No No Components (Multimedia) for the Site: A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. No No Components (Multimedia) for the Site: A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. No No Components (Multimedia) for the Site: A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. No No Components (Multimedia) for the Site: A. Final Enforcement (Multi	Customer/Respondent/Owner-Operator:	CN601016538	RAHIL, INCORPORATE	ED .	Classification: AVERAGE	Rating: 3.01
REGISTRATION Location:	Regulated Entity:	RN101865830	Valero Food Mart 2	***************************************		Site Rating: 3.01
TOED Region: REGION 13 - SAN ANTONIO Date Compliance History Prepared: July 21. 2011 Agency Decision Requiring Compliance History Period: July 21. 2011 Compliance Period: July 21. 2015 TOED Staff Member to Contact for Additional Information Reparding this Compliance History Name: Andrea Park Priod: State Compliance History Name: Andrea Park Priod: State Compliance History Name: Andrea Park Priod: State Compliance History Site Compliance History Components 1. Has the sate been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownershipoterator of the site during the compliance period? No 3. If Yes, who washvere the prior owner(s)/operator(s)? NNA 4. If Yes, who washvere the prior owner(s)/operator(s)? NNA 5. When did the change(s) in owner or operator occur? NNA 6. Raiting Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: A Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. NNA C. Chronic excessive emissions events. NNA D. The approval dates of investigations (CCEDS Inv. Track. No.) NA Final Enforcemental audits. NA G. Type of environmental audits. NA G. Type of environmental audits. NA 1. Your operator of the state of Texas and the federal government and g	ID Number(s):			REGIS	TRATION	69502
Date Compliance History Prepared: Agency Decision Requiring Compliance History Prepared: Augh 21, 2011 Agency Decision Requiring Compliance History Name: Androa Park Androa Park Androa Park Androa Park Site Compliance History Name: Androa Park Site Compliance History Phone: (512) 239-4575 Site Compliance History No Site Compliance History Phone: (612) 239-4575 Site Compliance History No No No No Site Compliance History No No Site Compliance Parks No No Site Compliance History No No No Site Compliance History No No Site Compliance History No No No Sit	Location:	4030 MEDICAL D	PR, SAN ANTONIO, TX, 78	3229		
Agency Decision Requiring Compliance History: Compliance Period: July 21, 2006 to July 21, 2011 TCEG Staff Member to Contact for Additional Information Regarding this Compliance History Name: Andrea Park Phone: Site Compliance History Phone: Site Compliance History Site Compliance Priority Site Compliance Priority No. No. Site Compliance History Prone: Site Compliance Priority Site Compliance Priority No. No. No. Components (Multimedia) for the Site: A Final Enforcement Croters, court judgments, and consent decrees of the State of Texas and the federal government. No. No. Components (Multimedia) for the Site: A Final Enforcement Croters, court judgments, and consent decrees of the State of Texas and the federal government. No. Components (Multimedia) for the Site: A Final Enforcement Croters, court judgments, and consent decrees of the State of Texas and the federal government. No. Components (Multimedia) for the Site: A Final Enforcement Croters, court judgments, and consent decrees of the State of Texas and the federal government. No. Components (Multimedia) for the Site: No. No. Divide the State of Texas and the federal government. No. No. Divide the State of Texas and the federal government. No. No. No. No. No. No. No. N	TCEQ Region:	REGION 13 - SAI	N ANTONIO			
Compilance Period: July 21, 2006 to July 21, 2011 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Androa Park Phone: (512) 239-4575 Site Compliance-History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership/operator of the site during the compliance period? No 3. If Yes, who is the current owner/operator? N/A 4. If Yes, who was/were the prior owner(s)/operator(s)? N/A 5. When did the change(s) in owner or operator occur? N/A 6. Rating Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: A Final Enforcement Orders, courl judgments, and consent decrees of the State of Texas and the federal government. N/A B. Ary criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. N/A D. The approval dates of investigations, (CCEDS Inv. Track. No.) 1 07/08/2011 (908287) E. Wirtten notices of violations (NOV), (CCEDS Inv. Track. No.) N/A F. Environmental audits. N/A H. Voluntary on-site compliance assessment dates. N/A J. Participation in a voluntary pollution reduction program. N/A J. Early compliance. N/A	Date Compliance History Prepared:	July 21, 2011				
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Andrea Park Phone: (512) 239-4575 Site Compliance History Components 1. Has the side been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownershiploperator of the site during the compliance period? No 3. If Yes, who was/were the prior owner(s)/operator (9)? NA 4. If Yes, who was/were the prior owner(s)/operator occur? NA 5. When did the change(s) in owner or operator occur? NA 6. Rating Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. N/A B. Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. N/A D. The approval dates of investigations, (CCEDS Inv. Track. No.) 1 07/09/2011 (908287) E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) N/A F. Environmental audits. N/A H. Voluntary on-site compliance assessment dates. N/A H. Voluntary on-site compliance assessment dates. N/A J. Participation in a voluntary pollution reduction program. N/A J. Early compliance. N/A	Agency Decision Requiring Compliance History:	Enforcement				
Name: Andrea Park Phone: (512) 239-4675 Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has the site been a (Known) change in ownership/operator of the site during the compliance period? No 3. If Yes, who is the current owner/operator? Ni 4. If Yes, who was/were the prior owner(s)/operator(s)? NiA 5. When did the change(s) in owner or operator occur? NiA 6. Rating Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. N/A C. Chronic excessive emissions events. N/A D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 07/08/2011 (908287) E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) N/A F. Environmental audits. N/A H. Voluntary on-site compliance assessment dates. N/A H. Voluntary on-site compliance assessment dates. N/A J. Participation in a voluntary pollution reduction program. N/A J. Early compliance. N/A J. Early compliance.	Compliance Period:	July 21, 2006 to J	uly 21, 2011			
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**If Yes, who was/were the prior owner(s)/operator(s)? **If Yes, who was/were the prior owner(s)/operator(s)? **N/A **N/A **N/A **Components (Multimedia) for the Site: **A.				iod?	No	
5. When did the change(s) in owner or operator occur? N/A 6. Rating Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. N/A B. Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. N/A D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 07/08/2011 (908287) E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) N/A F. Environmental audits. N/A G. Type of environmental management systems (EMSs). N/A H. Voluntary on-site compliance assessment dates. N/A J. Participation in a voluntary poliution reduction program. N/A J. Early compliance. N/A	3. If Yes, who is the current owner/operator?			N/A		
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F. Environmental audits. N/A G. Type of environmental management systems (EMSs). N/A H. Voluntary on-site compliance assessment dates. N/A I. Participation in a voluntary pollution reduction program. N/A J. Early compliance. N/A	, , ,	CEDS Inv. Track. No	·.)			
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H. Voluntary on-site compliance assessment dates. N/A I. Participation in a voluntary pollution reduction program. N/A J. Early compliance. N/A	N/A					
N/A I. Participation in a voluntary pollution reduction program. N/A J. Early compliance. N/A	• •	vstems (EMSs).				
I. Participation in a voluntary pollution reduction program. N/A J. Early compliance. N/A	H. Voluntary on-site compliance assessmen	ent dates.			•	
N/A J. Early compliance. N/A	N/A					
J. Early compliance. N/A	I. Participation in a voluntary pollution red	duction program.				
N/A						
	N/A Sites Outside of Texas					

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
RAHIL, INCORPORATED DBA	§	TEXAS COMMISSION ON
VALERO FOOD MART 2	§	
RN101865830	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-1262-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding RAHIL, INCORPORATED dba Valero Food Mart 2 ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 4030 Medical Drive in San Antonio, Bexar County, Texas (the "Facility").
- 2. The Respondent's one underground storage tank ("UST") is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 13, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Thirty-Six Thousand Six Hundred Thirty-Seven Dollars (\$36,637) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Nine Hundred Sixty Dollars (\$960) of the administrative penalty and Seven Thousand Three Hundred Twenty-Seven Dollars (\$7,327) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twenty-Eight Thousand Three Hundred Fifty Dollars (\$28,350) of the administrative penalty shall be payable in 35 monthly payments of Eight Hundred Ten Dollars (\$810) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Submitted a properly completed UST registration and self-certification form and obtained a valid TCEQ fuel delivery certificate on August 2, 2011;
 - b. Successfully conducted the annual piping tightness test on August 2, 2011; and
 - c. Began maintaining UST records on August 2, 2011.
- The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), as documented during a record review conducted on July 8, 2011. Specifically, the delivery certificate expired on February 28, 2007.
- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during a record review conducted on July 8, 2011. Specifically, the Respondent accepted 20 fuel deliveries without a delivery certificate.
- 3. Failed to provide release detection for the piping associated with the UST, in violation of 30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a), as documented during a record review conducted on July 8, 2011. Specifically, the Respondent did not conduct the annual piping tightness test.
- 4. Failed to maintain the required UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 Tex. ADMIN. CODE § 334.10(b), as documented during a record review conducted on July 8, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: RAHIL, INCORPORATED dba Valero Food Mart 2, Docket No. 2011-1262-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 6. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.
- 7. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order